

Exhibit C

William E. Longo, Ph.D.

Page 1

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

Case No. 1522-CC00419-02

Division 10

VICKIE FORREST, et al.,

Plaintiffs,

vs.

JOHNSON & JOHNSON, et al.,

Defendants.

REMOTE DEPOSITION OF
WILLIAM E. LONGO, Ph.D.

Monday, February 8, 2021

Court Reporter: Michelle M. Boudreaux, RPR

William E. Longo, Ph.D.

Page 3

1 APPEARANCES
2 (Via Videoconference)
3

4 On behalf of the Plaintiffs:

5 LEIGH O'DELL, ESQ.
Beasley, Allen, Crow, Methvin,
6 Portis & Miles, P.C.
218 Commerce Street
7 Montgomery, Alabama 36104
800.898.2034
8 leigh.odell@beasleyallen.com
9

10 On behalf of the Defendants:

11 MORTON D. DUBIN, II (MORTY), ESQ.
King & Spalding LLP
1185 Avenue of the Americas
12 34th Floor
New York, New York 10036
13 212.556.2100
mdubin@kslaw.com
14

15 Also Present: Michelle Parfitt, Esq.
16
17
18
19
20
21
22
23
24
25

William E. Longo, Ph.D.

Page 72

1 you look at it, the bundle will have a
2 certain color or wavelength. Depending how
3 uniform the bundle is, it could be all the
4 same color, but usually you'll get a little
5 bit different color at the edges versus in
6 the middle of the bundle. So they're sort of
7 a goldish-orange, sometimes a little bit more
8 yellow if they're a little higher on the
9 chart, and that would be -- the first thing
10 you do is in parallel. Parallel dispersion,
11 parallel to the optics.

12 Q (By Mr. Dubin) I'm trying to do this step by
13 step. So I'm just asking simple questions, so --

14 A Okay. I'll try to give simple answers.

15 Q Right. So the analyst is looking at the
16 color of what they're seeing in the immersion oil?

17 A Yes.

18 Q Okay. And then based on that analyst's
19 judgment, then they are going to a table and looking up
20 that color and finding what information?

21 A Well, if they're fairly new analysts, they're
22 looking at the table a lot. If they're not -- if
23 they're experienced, they may -- they have one up to --
24 you know, just as a reference. Once they get the
25 color, they'll go to the table and approximate the --

William E. Longo, Ph.D.

Page 73

1 they'll get the wavelength of that particular color.

2 It's a sliding scale depending on your fluid. So

3 they'll get the wavelength.

4 Q You get a wavelength depending on what color
5 you think it is, right?

6 A What color it is.

7 Q Well, it's based on the judgment of the
8 analyst what color they think they're seeing, right?

9 MS. O'DELL: Object to the form.

10 THE WITNESS: Well, it's based on what
11 the analyst sees in the colors. It is a
12 judgment that comes from years and years of
13 experience, like every PLM analyst.

14 Q (By Mr. Dubin) Right. What I'm trying to
15 get at there, though, for example, if you see a yellow,
16 an analyst can say "I think it's a pale yellow,"
17 "I think it's a golden yellow," "I think it's a
18 yellow," and those might all result in different
19 wavelengths, right?

20 MS. O'DELL: Object to the form.

21 THE WITNESS: Again, it depends on the
22 intensity. You can have -- but the
23 wavelengths are usually -- if you're going
24 from a golden yellow to a pale yellow -- what
25 was the third one?

William E. Longo, Ph.D.

Page 74

1 MR. DUBIN: Yellow.

2 THE WITNESS: Yellow. That distance
3 will not be that great, but you can -- at
4 least I can -- pale yellows are then getting
5 up towards the whites. If it's in the white
6 area, then you've got the wrong refractive
7 fluid in there.

8 So that distance there, as long as
9 you're consistent and if you make sure --
10 it's not that big a difference on -- if
11 you're cutting it that thin. So it is a
12 judgment, it is -- but it's something that
13 you learn and reproducible over years of time
14 of doing this type of work.

15 Q (By Mr. Dubin) Two things I want to ask you
16 about that. The idea that if you're seeing white, you
17 may have the wrong refractive fluid, can you explain
18 that to me?

19 A Yeah, sure. The refractive indices fluid
20 let's you see colors at a certain range. If you're
21 using 1.550, if you're -- if the refractive indices, in
22 fact, is maybe not chrysotile, or you're looking at
23 fibrous talc or you're looking at something that has a
24 very high refractive indices, like an amphibole.
25 Amphiboles you're going to start seeing in the 1.6s and

William E. Longo, Ph.D.

Page 75

1 greater. You cannot identify it with 1.550 because you
2 would be getting out of the range of that fluid.

3 That's why you have two different fluids.

4 1.550 is good for the chrysotile polymorphs,
5 and it's okay for the fibrous talc as long as you
6 understand how far it can go up. I'm giving too much
7 information now. I'm sorry.

8 Q No, I understand. Thank you.

9 I guess, though, just to be clear, you'll
10 agree that in terms of this part of the process,
11 determining what the color is and then applying that
12 color to the wavelength, there's not, for example, a
13 piece of data that tells you what the color is; that's
14 the judgment of the analyst?

15 A As with all PLM microscopists in any lab out
16 there -- I think we'll have something like you're
17 suggesting in maybe another year; it's one of our next
18 projects -- that they're making a judgment based on
19 their experience and time in looking at the colors to
20 equate to the wavelengths. And once you have a
21 wavelength, you just look over the side of the chart
22 and it tells you the refractive indices.

23 Q And, again, it may be that if you don't know
24 anything about this, we'll have to talk about it in
25 depth at some other point, but do you -- is it correct

William E. Longo, Ph.D.

Page 76

1 that MAS's identification of chrysotile in the
2 Johnson & Johnson products, in parallel orientation,
3 you're typically evaluating it based on the yellow
4 coloration of the particle?

5 MS. O'DELL: Object to the form.

6 THE WITNESS: Only in parallel. Yellow
7 to golden yellow. Sometimes you'll see some
8 red, a little bit of red, but that's the
9 range we've been seeing.

10 Q (By Mr. Dubin) But typically you're
11 evaluating it based on yellow, right?

12 MS. O'DELL: Object to the form.

13 THE WITNESS: Well, I can't say
14 typically.

15 MR. DUBIN: Okay.

16 THE WITNESS: If you want to show me a
17 photograph of one of our chrysotiles, I can
18 tell you. But, you know, it depends on the
19 thickness, it depends on where it was dug out
20 of the ground, what the chemistry was of that
21 particular area. So I'm not going to give
22 you just typically it's yellow.

23 MR. DUBIN: That's fine. We can --
24 probably not me and you, but maybe you and
25 Kevin at your Johnson continuation can have

1 these Grade 7s Canadas in terms of its sizes and shapes
2 and the like?

3 A Well, what you find in the RG-144, which was
4 pointed out to me, is that you get very few single
5 fibers. And we did the air sampling of the RG-144. We
6 had to go sonicate it to get the individual fibers out.
7 You can get some very long ones, but the bundles are
8 pretty consistent.

9 Q Okay. Well, we can talk about it some other
10 day.

11 So just to make sure that we're on the same
12 page, at this point, you've been finding -- using --
13 your technique to identify chrysotile, you've been
14 finding chrysotile in Chinese-mine-sourced products at
15 about a hundred percent hit rate?

16 A Yeah, using these CSM sample prep in the
17 ISO 22262-1, it's not -- those two methods, so far it's
18 been 100 percent

19 Q Okay. So recently I think you've issued some
20 reports in the Cashmere Bouquet litigation, looking at
21 some older containers, and you also found 100 percent
22 positive rate using your method for chrysotile?

23 A In all their containers, yes.

24 Q And I take it, given the fact that those
25 containers stretched from 1950s to 1990s, you'd be

William E. Longo, Ph.D.

Page 175

1 C E R T I F I C A T E

2

3 STATE OF GEORGIA

4 COUNTY OF COBB

5

6 I, MICHELLE M. BOUDREAUX, do hereby certify
7 that WILLIAM E. LONGO, Ph.D., the witness whose
8 deposition is hereinbefore set forth, was duly sworn by
9 me and that such deposition is a true record of the
10 testimony given by such witness.

11

12 I further certify that I am not related to
13 any of the parties to this action by blood or marriage
14 and that I am in no way interested in the outcome of
15 this matter.

16

17 IN WITNESS WHEREOF, I have hereunto set my
18 hand this 10th day of February 2021.

19

20



MICHELLE M. BOUDREAUX, RPR

21

22

23

24

25